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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10 071,464	02 07 2002	George L. Payet	7919RX*D3	1091

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EXAMINER

BOYER, CHARLES I

ART UNIT	PAPER NUMBER
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1751

DATE MAILED: 07/30/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.
10/071,464

Applicant(s)

Payet

Examiner
Charles Boyer

Art Unit
1751



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Feb 7, 2002
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 21-33 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 21-33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s) _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4 6) ☐ Other: _____

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DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 21-23, 26, 27, and 33 are rejected under 35 U.S.C. 102(b) as being anticipated by

Watanabe et al, US 3,663,974.

Watanabe et al teach fabrics treated with an aldehyde and softener to reduce creasing and wrinkling of the fabric (see abstract). An example of such a process contacts mercerized cotton with 15% of a 37% solution of formaldehyde, 2% polyethylene emulsion, and 2% silicone softener. The fabric is then passed through a chamber containing hydrogen chloride gas to catalyze the reaction between the fibers and the formaldehyde (col. 5, example 1). Note that rayon fibers are also treated by this process (col. 6, example 3). As this reference meets all material limitations of the claims at hand, the reference is anticipatory.

3. Claims 21-23, and 33 are rejected under 35 U.S.C. 102(b) as being anticipated by Lauchenauer, US 3,807,952.

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Lauchenauer teaches fabrics treated with an aldehyde and softener to reduce creasing and wrinkling of the fabric (see abstract). An example of such a process contacts mercerized cotton with 100 g of a 36% solution of formaldehyde and 30 g fabric softener (col. 6, example 2). Note that rayon fibers may also be treated by this process (col. 5, line 32). As this reference meets all material limitations of the claims at hand, the reference is anticipatory.

4. Claims 21-23, and 31-33 are rejected under 35 U.S.C. 102(b) as being anticipated by Hendrix et al, US 4,396,390.

Hendrix et al teach fabrics treated with an aldehyde and softener to reduce creasing and wrinkling of the fabric (see abstract). An example of such a process contacts a polyester/cotton blend fabric with 65 parts formalin (38% formaldehyde), 1 part nonionic surfactant, and 20 parts fabric softener (col. 4, lines 19-30). Note that following curing, the fabric may be washed or subjected to other aftertreatments to remove residual formaldehyde (col. 4, lines 5-18). As this reference meets all material limitations of the claims at hand, the reference is anticipatory.

5. Claims 21, 23, and 33 are rejected under 35 U.S.C. 102(b) as anticipated by Martin et al, U.S. Patent No. 4,520,176.

Martin et al disclose a textile finish composition comprising an aminoplast resin (col. 2, lines 15-39), an aldehyde, such as formaldehyde (col. 4, lines 3-37), a softening agent, such as an organopolysiloxane (col. 4, line 65-col. 5, line 23) and an acid catalyst (col. 8, line 64-col. 9, line

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29). It is further taught by Martin et al that the textile material is treated with the textile finishing composition prior to being cured at a temperature between 125⁰C-2000 C (col. 9, lines 48-57).

Note Example 6, which treats a polyester/cotton fabric with a composition comprising water, a hydroxy terminated polydimethylsiloxane, formaldehyde, magnesium chloride, and a urea derivative and is cured for 20 seconds at 2040 C. Since Martin et al teach the limitations of the instant claims, the reference is deemed to be anticipatory.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 21-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hendrix et al, US 4,396,390.

Hendrix et al teach fabrics treated with an aldehyde and softener to reduce creasing and wrinkling of the fabric (see abstract). An example of such a process contacts a polyester/cotton blend fabric with 65 parts formalin (38% formaldehyde), 1 part nonionic surfactant, and 20 parts fabric softener (col. 4, lines 19-30). Note that following curing, the fabric may be washed or subjected to other aftertreatments to remove residual formaldehyde (col. 4, lines 5-18). Hendrix et al do not specifically teach moistening the textile with water prior to contact with the formalin

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solution, nor do they mention treating wool which has been shrink proofed. Such limitations however, are well known to one of ordinary skill in the finishing trade. Accordingly, it would have been obvious to one of ordinary skill in the art to pre-shrink wool before treating or treat a fabric which has been moistened.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles Boyer whose telephone number is (703) 308-2524. The examiner can normally be reached on Monday-Friday from 9:30 AM - 6:00 PM.

If reasonable attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Yogendra Gupta, can be reached on (703) 308-4708. The fax phone number for this Group is (703) 872-9310 for non-after-final amendments and (703) 872-9311 for after-final amendments.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-0661.

Charles Boyer

A handwritten signature in cursive script that reads "Charles Boyer". The signature is written in dark ink and is positioned to the right of the printed name "Charles Boyer".

July 26, 2002